

# Order

Michigan Supreme Court  
Lansing, Michigan

June 28, 2011

Robert P. Young, Jr.,  
Chief Justice

142868

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

CORDARRELL ISIAH SIMS,  
Defendant-Appellee.

SC: 142868  
COA: 292529  
Macomb CC: 2008-000791-FC

On order of the Court, the application for leave to appeal the February 15, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE, in part, the judgment of the Court of Appeals. The Court of Appeals erred in ordering resentencing based on the scoring of Offense Variable 13 under MCL 777.43. This Court's decision in *People v Jackson*, 487 Mich 483 (2010), does not require resentencing if the inaccurate score did not affect the applicable sentencing guidelines range. Where a scoring error does not alter the guidelines range, resentencing is not required. *People v Francisco*, 474 Mich 82, 89 n 8 (2006). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



h0620

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 28, 2011

*Corbin R. Davis*

Clerk